

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

<b>IN RE:</b>	§	
	§	
<b>REMARKABLE HEALTHCARE OF CARROLLTON, LP et al.<sup>1</sup>,</b>	§	<b>Chapter 11</b>
	§	<b>Case No. 18-40295</b>
<b>Debtors.</b>	§	<b>(Jointly Administered)</b>
	§	

---

**TRUSTEE’S OBJECTION TO UNITED STATES TRUSTEE’S  
MOTION TO DISMISS PURSUANT TO 11 U.S.C. § 1112(b) AND §105**

---

COMES NOW, Larry A. Levick, the Litigation Trustee (the “**Trustee**”) of the Unsecured Creditors’ Liquidation Trust (a/k/a the Remarkable Litigation Trust) (the “**Trust**”) for the bankruptcy estates of Remarkable Healthcare of Carrollton, LP and the related affiliates, and files this, his *Objection to United States Trustee’s Motion to Dismiss Pursuant to 11 U.S.C. § 1112(B) and §105* (“**Objection**”), and would respectfully show as follows:

**PROCEDURAL BACKGROUND**

1. On February 12, 2018 (the “**Petition Date**”), Remarkable Healthcare of Carrollton, LP and the related affiliates (the “**Debtors**”) filed a voluntary petition for relief under Chapter 11 of title 11 of the United States Code commencing the above-captioned cases (the “**Chapter 11 Cases**”).

2. On May 15, 2019 the Debtors filed their Chapter 11 Plan of Reorganization as Modified May 13, 2019 (the “**Plan**”) [Dkt.355] in which the Trustee was appointed as the Trustee of the Trust. The order confirming the Modified Plan was entered on May 16, 2019.

---

<sup>1</sup> The Debtors in these jointly-administered chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Remarkable Healthcare of Carrollton, LP (5960), Remarkable Healthcare of Dallas, LP (3418), Remarkable Healthcare of Fort Worth, LP (1650), Remarkable Healthcare of Seguin, LP (4566), and Remarkable Healthcare, LLC (5142).

3. The Plan went effective on June 12, 2019, according to the *Notice of Effective Date* (the “**Effective Date**”) [Dkt.373] filed on June 13, 2019. Pursuant to the *Notice of Selection of Trustee of the Unsecured Creditors Litigation Trust* [Dkt. 379], Larry Levick was selected as the Trustee.

4. The Trustee was authorized under the Plan and the Trust to, among other things, object to claims and pursue avoidance actions.

5. On February 3, 2020, the United States Trustee (“**USTrustee**”) filed its Motion to Dismiss Pursuant to 11 U.S.C. § 1112(b) and §105 With Waiver Of 30-Day Hearing Requirement (“**Motion to Dismiss**”) due to the Debtors’ failure to pay quarterly fees. Also, the USTrustee also notes that the “Debtors do not appear able to effectually use Chapter 11 for the benefit of creditors.”

6. The Trustee objects to the Motion to Dismiss because it ignores the establishment of the Trust which was specifically set up as a mechanism for the Trustee to pursue litigation and disburse the proceeds to unsecured creditors. If the main bankruptcy case is dismissed, the Trustee has no forum to pursue either the existing filed avoidance actions or to file additional avoidance actions for the benefit of unsecured creditors.

7. As authorized in the Plan and the Trust, the Trustee has filed nine (9) different avoidance actions and has executed tolling agreements with several additional potential preference defendants. The Trustee is pursuing these actions for the benefit of creditors. If the main bankruptcy case is dismissed, then the unsecured creditors will be adversely affected to the extent that the dismissal of the bankruptcy case will also result in a dismissal of the adversary proceedings. Unless there is a method for the avoidance actions to be maintained and the Trustee to file additional avoidance actions, the unsecured creditors will be harmed by the dismissal of the main bankruptcy case.

8. For all these reasons, the Motion To Dismiss should be denied.

WHEREFORE, PREMISES CONSIDERED, the Trustee respectfully request that the Court deny the Motion To Dismiss, and grant such other just and proper relief to which the Trustee is entitled.

Respectfully submitted,

**SINGER & LEVICK, P.C.**

By: /s/Michelle E. Shriro  
Larry A. Levick  
State Bar No. 12252600  
Michelle E. Shriro  
State Bar No. 18310900

16200 Addison Road, Suite 140  
Addison, Texas 75001  
Phone: 972.380.5533  
Fax: 972.380.5748  
Email: [levick@singerlevick.com](mailto:levick@singerlevick.com)  
Email: [mshriro@singerlevick.com](mailto:mshriro@singerlevick.com)

**ATTORNEYS FOR THE LITIGATION TRUSTEE**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been electronically mailed to the parties that are registered or otherwise entitled to receive electronic notices in this case pursuant to the Electronic Filing Procedures in this District, and that a true and correct copy of the foregoing document has been served on the parties listed below via electronic mail, on this 18<sup>th</sup> day of February, 2020.

**mcastillo@curtislaw.net**

Mark A. Castillo  
Curtis Castillo PC  
901 Main Street, Suite 6515  
Dallas, Texas 75202

**john.m.vardeman@usdoj.gov**

John M. Vardeman  
United States Trustee  
110 N. College Street, Suite 300  
Tyler, Texas 75702

/s/Michelle E. Shiro

Michelle E. Shiro